

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6955 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed : YES  
to see the judgements?
2. To be referred to the Reporter or not? : YES
3. Whether Their Lordships wish to see the fair copy : NO  
of the judgement?
4. Whether this case involves a substantial question : NO  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO

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KM PARMAR

Versus

STATE OF GUJARAT

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Appearance:

MR PARESH UPADHYAY for Petitioner

MR HASMUKH PATEL for Respondents

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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 29/06/1999

C A V JUDGEMENT

1. Heard learned counsel for the parties.

2. The petitioner, Assistant Commissioner of Labour,  
Government of Gujarat filed this special civil  
application and prayed for quashing of the adverse  
remarks, which have been made in his service record for

the year 1995-96. The learned counsel for the petitioner admits that as a result of these adverse remarks no prejudice is caused to the petitioner so far. The adverse remarks in the service record of the petitioner has no significance as such. Merely because of these adverse remarks the petitioner's salary is not reduced nor his increment is stopped. It is also to be noticed that in many of the cases even the adverse remarks may not be taken into consideration while the case of the officer is considered for promotion for the next higher post. These adverse remarks may be relevant at the stage where the petitioner's case is considered for higher pay scale or selection scale or promotion or where his case is considered for giving him compulsory retirement. If on the basis of adverse remarks any adverse order is passed then only cause of action may accrue to the petitioner and while challenging the order passed prejudicial to him relying on these adverse remarks, he has right to challenge the same also. So at this stage this special civil application is premature and only on this ground the same deserves to be dismissed and accordingly it is dismissed.

Rule discharged. No order as to costs.

(S.K.Keshote, J.)

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